CIRCULAR NO.03/2017

01. Sanction for Prosecution under section 19 of the PC Act 1988 (and under section 197 of Cr.PC) are required to be obtained from the Competent Prosecution Sanctioning Authority (PSA) as per the guidelines issued by the Hon’ble Supreme Court, Central Vigilance Commission and State Govt. from time to time. This is a very important piece of work in the investigation of a case. It is desirable that after obtaining Sanction for Prosecution from the PSA, the charge sheet be laid down in the Court, so that cognizance of offences can be taken by the Court.

02. The Supreme Court from time to time have stressed timely obtaining of sanction from the sanctioning authority in a case and the time limit is also prescribed by the Apex Court.

03. It is seen that for obtaining Sanction for Prosecution from the Prosecution Sanctioning Authority (PSA), the Factual Report prepared by the Investigating Officer is sent for scrutiny and perusal along with required documents. The Factual Report is an internal document which describes various steps taken in investigation including methodology which are not required by the Prosecution Sanctioning Authority. Factual Report is an internal document and therefore confidential in nature.

04. Henceforth after the competent authority/Directororate orders for launching of prosecution in a case, the SP by taking the help of Investigating Officer must prepare a report, henceforth which will be called as the VACB Investigation Report. The VACB Investigation
Report is to be prepared in a format attached herewith as Annexure 'A'. This VACB Investigation Report should be of the highest quality in terms of details, language, punctuation, paraphrasing etc. (This report is sent to another department which will judge our investigation and its quality through this report.)

05. This report shall be prepared by the SP himself (Range SP or SPs of Special Units) with the help of the Investigating Officer (not to be prepared by the Investigating Officer) and sent to Prosecution Sanctioning Authority. A copy of this report, shall invariably without exception, be sent to the ADGP concerned.

06. It is desirable that in order to convince the Prosecution Sanctioning Authority about the adequacy of evidence to launch prosecution some important documents are to be attached to the VACB report. They interalia will include, but not limited to, the copy of the FIR, the 164 statements if any, copy of the 161 statements of the crucial witnesses, (not technical witnesses) who will prove allegations/part of the allegations, GEQD or document division reports etc. But this is to be decided by the SP and in consultation with the ADGP and the Law Officer concerned i.e. LA/ALA.

07. VACB Investigation Report shall be sent to the Prosecution Sanctioning Authority along with annexures of relevant copies of documents. In the event, the Prosecution Sanctioning Authority requests the investigating officer or the Unit Head to discuss the evidence he can do so and VACB must provide all assistance and co-operation in that regard.

08. Obtaining Sanction for Prosecution from the Prosecution Sanctioning Authority is an important part of investigation process and it should be done with due care and diligence. The SP will be fully responsible for sending correct documents, proper covering letter etc. to the Prosecution Sanctioning Authority.
09. The VACB Investigation Report in a case along with the connected documents must be sent by the SP who is only authorized to sign the covering letter addressed to the Prosecution Sanctioning Authority. It must be also remembered that before sending such letter along with enclosures, the approval of the Directorate must be obtained for launching the prosecution. Without such approval order, no request for sanction for prosecution should be forwarded to the Prosecution Sanctioning Authority.

10. Covering letter bearing the seal, name and designation, e-mail id, phone number etc. must be personally signed by the SP. A copy of the letter may be sent to the ADGP concerned who will put the same in the concerned crime file in the Directorate.

11. The above instructions come into effect immediately.

Yours faithfully,

Loknath Behera IPS
Director

Copy to: All Officers in the Directorate, all Unit Heads
Manager/Accounts Officer/Administrative Assistant
CAs to Director/ADGP-I/ADGP-II/SP(Int)/ADP(V)/EE
Stock file
VIGILANCE & ANTI-CORRUPTION BUREAU

VACB INVESTIGATION REPORT

01. Name of the Unit of the VACB.

02. Vigilance Case No. with date of Registration.

03. Sections of Law

04. Department/PSU involved

05. Names of accused persons proposed to be Charge Sheeted (along with their Designation, Departments, age etc.)

06. Background of Registration of the case

07. Allegations in brief

08. Details of investigation done by VACB and the facts disclosed during investigation.

09. A brief about Expert Opinion/Forensic Opinion

10. Discussion of Evidence (Oral/documentary) (relevancy, admissibility) against each of the accused.

11. Allegations proved accused wise.

12. Recommendations

Signature of the Superintendent of Police (or above) with date and seal.

List of Enclosures:

1.

2.